

Minutes Formal City Council Meeting January 10, 2008

Minutes of the Formal Council Meeting of Thursday, January 10, 2008, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Hut Hutson
Councilmember P Ben Arredondo
Councilmember Barbara J. Carter
Councilmember Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:48 p.m.

1. Councilmember Ellis gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Mitchell to approve the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Shekerjian. Motion passed unanimously on a voice vote.

1. Council's Executive Session – December 6 & 13, 2007
2. Council's Issue Review Session – December 6 & 13, 2007 [20080110clrkck01.pdf](#)
[20080110clrkck05.pdf](#)
3. Council's Formal Meeting – December 6 & 13, 2007 [20080110clrkck02.pdf](#)
[20080110clrkck04.pdf](#)
4. Council's Education, Technology & Economic Development Committee –
November 6 & December 4, 2007 [20080110eted01.pdf](#) [20080110eted02.pdf](#)
5. Council's Finance, Economy & Veterans Affairs Committee - November 20, 2007
[20080110feva01.pdf](#)
6. Council's Public Safety & Neighborhood Quality of Life Committee –
December 11, 2007 [20080110psnql.pdf](#)
7. Council's Tourism & Recreation Committee – November 5 & December 12, 2007
[20080110trc01.pdf](#) [20080110trc02.pdf](#)

8. Council's Transportation, Housing & Environment Committee –
November 27, 2007 [20080110the01.pdf](#)
9. Council's Joint Dinner with Salt River Pima Maricopa Indian Community –
December 4, 2007 [20080110clrkck03.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Mitchell to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Carter. Motion passed unanimously on a voice vote.

10. Aviation Commission – November 13, 2007 [20080110tavco01.pdf](#)
11. Committee for Youth, Families & Community – November 19, 2007
[20080110cyfc01.pdf](#)
12. Development Review Commission – October 23, 2007 [20080110drc01.pdf](#)
13. Double Butte Cemetery Advisory Committee – September 19, 2007
[20080110dbca01.pdf](#)
14. Enhanced Services Commission – October 10 & November 14, 2007
[20080110esc01.pdf](#) [20080110esc02.pdf](#)
15. Hearing Officer – November 20 & December 4, 2007 [20080110ho01.pdf](#)
[20080110ho02.pdf](#)
16. Historical Museum Advisory Board – November 1, 2007 [20080110csjc01.pdf](#)
17. Human Relations Commission – November 13, 2007 [20080110hrc01.pdf](#)
18. Mayor's Youth Advisory Commission – December 4, 2007 [20080110myac01.pdf](#)
19. Municipal Arts Commission – September 12, October 10 & November 14, 2007
[20080110mac01.pdf](#) [20080110mac02.pdf](#) [20080110mac03.pdf](#)
20. Neighborhood Advisory Commission – November 7, 2007 [20080110nac01.pdf](#)
21. Parks and Recreation Board – October 17, 2007 [20080110prtd01.pdf](#)
22. Rio Salado Advisory Commission – October 23, 2007 [20080110rsac01.pdf](#)
23. Tempe Police Public Safety Personnel Retirement Board – November 1, 2007
24. Tempe Sports Authority – November 14, 2007 [20080110tsa01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman thanked Congressman Pastor and Congressman Mitchell who will help the City acquire interoperability funds in the amount of \$686K as well as additional funds for transportation. Those funds are essential for the City's ability to complete projects that have already been planned in the community.

B. Manager's Announcements

- City Manager Charlie Meyer announced that the Rock 'n Roll Marathon will be held on January 13, 2008. It is a very beneficial event to Tempe, and many charities benefit from the proceeds of the marathon. Road closure information is available in a brochure available tonight, as well as on the City's website. There is a water main break at the intersection of McClintock and University and repair is proceeding. The marathon will not be affected and will bypass the construction site.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Vice Mayor Hutson to approve the Agenda as amended (Item #61 was removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

25. Approved the Report of Claims Paid to be filed for audit for the months of September and October, 2007.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.
26. Approved **Contract #2008-01**, a Subgrantee Agreement between the State of Arizona, Governor's Office for Children, and the City of Tempe for the provision of the Empowering Teens and Parents Program.
COMMENTS: Juvenile Accountability Block Grant award of up to \$18,386.00 in federal funds from October 1, 2006, through September 30, 2008.
DOCUMENT NAME: [20080110cskb01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**
27. Authorized the Mayor to execute **Contract #2005-76B**, an agreement between Gobility Inc., dba Kite Networks, Telscape Communications, Inc., and the City of Tempe giving consent for Gobility, Inc. to assign and Telscape Communications, Inc., to assume with conditions the agreement for use of City property in connection with the operation of a WiFi network.
DOCUMENT NAME: [20080110ITDH1.pdf](#) **TELSCAPE COMMUNICATIONS (0802-33)**
28. Approved the use of contingency funds to fund additional Court Service Specialist positions.
COMMENTS: The total costs of this action shall not exceed \$112,000 in Fiscal year 2008 and \$280,000 in Fiscal Year 2009.
DOCUMENT NAME: [20080110mcms01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**
29. Approved **with condition** an Amended Subdivision Plat for **TEMPE MARKETPLACE** located at 2080 East Rio Salado Parkway.

COMMENTS: Request for TEMPE MARKETPLACE (PL070016) (Vestar, property owner; Manjula Vaz, Gammage & Burnham, applicant) located at 2080 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District. The request includes the following:

SBD07041 – Amended Subdivision Plat consisting of twenty-four (24) lots and one (1) tract on +/-119 gross acres.

The following condition was also approved:

1. The Tempe Marketplace Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before January 10, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20080110dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

30. Approved **with condition** an Amended Condominium Plat for **CENTERPOINT PHASE I** located at 75 West 5th Street.

COMMENTS: Request for CENTERPOINT PHASE I (PL070500) (Tempe Land Company LLC, property owner; Jason Kack, DEI Professional Services, applicant) located at 75 West 5th Street, in the CC, City Center District and Planned Area Development Overlay. The request includes the following:

SBD07051 – Amended Condominium Plat consisting of (375) units on +/-1.71 acres.

The following condition was also approved:

1. The Centerpoint Phase I Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before January 10, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20080110dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

31. Approved **with condition** a Final Subdivision Plat for **HAYDEN FLOUR MILLS** located at 119 South Mill Avenue.

COMMENTS: Request by HAYDEN FLOUR MILLS (PL060637) (City of Tempe, owner; Chris Aulerich, Brady-Aulerich & Associates, Inc., applicant) for a Final Subdivision Plat on +/- 5.09 net acres located at 119 South Mill Avenue in the MU-4, Mixed-Use High Density District; the CC, City Center District; the RSOD, Rio Salado Overlay District and the TOD, Transportation Overlay District, including the following:

SBD07055 – Final Subdivision Plat to combine the property into one lot including the adjustment of public right of way.

The following condition was also approved:

1. Place the Subdivision Plat for Hayden Flour Mills into proper engineered format with appropriate signature blanks. Record the Subdivision Plat with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from date of City Council approval (January 10, 2009). Failure to record the plan within one year of City Council approval shall make the approval of the Subdivision Plat null and void. Record the Subdivision Plat prior to issuance of building permit.

DOCUMENT NAME: [20080110dskko01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

32. Approved **with conditions** an Amended Subdivision Plat for **SQUARE 1** located at 304 South Wilson Street.

COMMENTS: Request by SQUARE 1 (PL070188) (Mark McIntyre owner; Vivian M. O'Connor, Location Route Surveying, applicant) located at 304 South Wilson Street, in the R-3, Multi-Family Residential Limited District, including the following request:

SBD07016 – Amended Subdivision Plat for one (1) lot and minor tract adjustments, .0963 acres.

The following conditions were also approved:

1. The Amended Subdivision Plat shall be recorded prior to Certificate of Occupancy.
2. The Amended Subdivision Plat for Square 1 shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before January 10, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.
3. Amend the Planned Area Development (PAD) to reflect adjusted property lines, process through Development Services Administrative review.

DOCUMENT NAME: [20080110dsjc01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- *33. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Twisted Air LLC dba Fantasy Grill, 227 East Baseline Road, J-7.

COMMENTS: William M. Rodriguez III, Agent

DOCUMENT NAME: [20080110LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *34. Held a public hearing and recommended the approval of a Series 6 Bar Liquor License for Freska Dining LLC dba Euphoria, 829 South Rural Road.

COMMENTS: Greg Gaines, Agent

DOCUMENT NAME: [20080110LIQ2.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

35. Approved **Contract #2008-02**, a contract with artist Carl Cheng for restoration of the Tilted Landscape art project located in front of the Tempe Public Library

COMMENTS: Total cost for restoring the artwork is \$59,600.

DOCUMENT NAME: [20080110cstc01.pdf](#) **LIBRARY ADM (0704-01)**

36. Awarded on-call construction contracts as follows: **Contract #2008-03** with C&W Sons Enterprises, Inc., **Contract #2008-18** with ACR Contracting, Inc., and **Contract #2008-19** with BCS Enterprises, Inc., to perform on-call job order contract for Demolition of Commercial and Residential Property.

COMMENTS: On-call construction contracts for an annual amount not to exceed \$1,000,000 and an individual job order amount not to exceed \$1,000,000 with C&W

Sons Enterprises, Inc., ACR Contracting, Inc., and BCS Enterprises, Inc., subject to execution of the final written contracts.

DOCUMENT NAME: [20080110PWDR02.pdf](#) **ENGINEERING ADMINISTRATION (803-02) PROJECT NO. 6704081**

37. Awarded **Contract #2008-04**, a Construction Manager at Risk Construction Services contract to McCarthy Building Companies and approve a change order contingency for the City Hall Parking Garage and Retail Building Shell Demolition and Site Work – Phase I Guaranteed Maximum Price (GMP).

COMMENTS: Construction Manager at Risk Construction Services contract with McCarthy Building Companies for a GMP of \$1,244,148, subject to execution of the final written documents, and a change order contingency of \$120,000.

DOCUMENT NAME: [20080110PWDR03.pdf](#) **PARKING (0503-19) PROJECT NO. 6702971**

38. Awarded **Contract #2008-05**, a one-year contract with four, one-year renewal options to HD Supply Waterworks Utility Service Group for water leak detection survey services in the City's drinking water infrastructure.

COMMENTS: (IFB #08-024RB) Total cost for this contract shall not exceed \$39,000 during the initial contract period.

DOCUMENT NAME: [20080110fst04.pdf](#) **PURCHASES (1004-01)**

39. Awarded **Contract #2008-06**, a one-year contract with two, one-year renewal options to Somerset Landscape & Maintenance, Inc., for palm tree trimming.

COMMENTS: (IFB #08-023) Total cost for this contract shall not exceed \$60,000 during the initial contract period.

DOCUMENT NAME: [20080110fslg16.pdf](#) **PURCHASES (1004-01)**

40. Awarded **Contract #2008-07**, a three-year, limited source contract to Colliers International for property management and leasing services of the ground floor retail space in the downtown Transportation Center.

COMMENTS: (Limited Source #08-036) Total cost for this contract shall not exceed \$25,800 during the contract period.

DOCUMENT NAME: [20080110fslg18.pdf](#) **PURCHASES (1004-01)**

41. Approved **Contract #2006-274A**, an addendum to a professional services contract with Superstition Foothills Consulting Services, Inc., for plan review and inspections of the Cox Extendable Optical Network (EON) project.

COMMENT: Addendum for an amount not to exceed \$59,250, subject to the execution of the final written addendum. The original contract amount of \$90,750, plus approval of this addendum will increase the contract to \$150,000.

DOCUMENT NAME: [20080110PWDR01.pdf](#) **UNDERGROUND UTILITIES (0810) PROJECT NO. 6702711**

42. Approved a thirty-seven (37) day extension and to increase the value of a contract with Williams and Associates for lobbyist services.
COMMENTS: (T07-147-01) Increase in the amount of \$8,500 from \$102,000 to \$110,500.
DOCUMENT NAME: [20080110fslg17.pdf](#) **PURCHASES (1004-01)**
43. Approved a one-year contract renewal with Pinnacle Risk Management Services for third-party claims administrator services.
COMMENTS: (T06-104-01) Total amount not to exceed \$98,000.
DOCUMENT NAME: [20080110fst05.pdf](#) **PURCHASES (1004-01)**
44. Approved one-year contract renewals with RCI Systems, Inc. and Equity Plumbing, Inc. for testing, repair and replacement of backflow prevention assemblies.
COMMENTS: (T07-067-01 and T07-067-02) Total amount not to exceed \$65,000.
DOCUMENT NAME: [20080110fst07.pdf](#) **PURCHASES (1004-01)**
45. Approved a two-year contract renewal with JP Morgan Chase Bank NA for banking services.
COMMENTS: (T04-000-01) Total amount not to exceed \$850,000.
DOCUMENT NAME: [20080110fst08.pdf](#) **PURCHASES (1004-01)**
46. Approved a one-year contract renewal with Utility Service, Co., Inc. for water tank repair and maintenance.
COMMENTS: (T01-052-01) Total amount not to exceed \$85,000.
DOCUMENT NAME: [20080110fst09.pdf](#) **PURCHASES (1004-01)**
47. Approved a one-year contract renewal with Teledyne Isco, Inc., for wastewater sampling equipment.
COMMENTS: (T06-070RBA-01) Total amount not to exceed \$400,000.
DOCUMENT NAME: [20080110fst11.pdf](#) **PURCHASES (1004-01)**
48. Approved a one-year contract renewal with T.A. Caid Industries, Inc. for 25' and 30' modular traffic poles.
COMMENTS: (T06-089-01) Total amount not to exceed \$100,000.
DOCUMENT NAME: [20080110fst12.pdf](#) **PURCHASES (1004-01)**
49. Approved the increase of the contract amounts with Philip Transportation and Remediation, Inc. and Environmental Response, Inc. for emergency and routine response to situations involving hazardous substances and/or pollutants.
COMMENTS: (SCC060013-2 and SCC060013-4) Increase in the amount of \$125,000 from \$70,000 to \$195,000.
DOCUMENT NAME: [20080110fst06.pdf](#) **PURCHASES (1004-01)**

50. Approved the increase of the contract amount with Stanley Security Solutions for Hirsch Card Access System Components to be used by the Public Works, Engineering and IT Departments.
COMMENTS: (T05-095-01) Increase in the amount of \$130,000 from \$250,000 to \$380,000.
DOCUMENT NAME: [20080110fsta15.pdf](#) **PURCHASES (1004-01)**
51. Approved the utilization of an Arizona Counter Drug Procurement Program 1122 contract to purchase 911/dispatcher console furniture for use by the Tempe Police Department.
COMMENTS: (#08-120) Total cost for this contract shall not exceed \$472,000.
DOCUMENT NAME: [20080110fst01.pdf](#) **PURCHASES (1004-01)**
52. Approved the utilization of a twenty-two month State of Arizona contract with Goodmans Interior Structure for the purchase of furniture products and related services.
COMMENTS: (EPS070112-1A1) Total amount not to exceed \$800,000.
DOCUMENT NAME: [20080110fst02.pdf](#) **PURCHASES (1004-01)**
53. Approved the utilization of one-year City of Chandler contracts with Thatcher Company of Arizona; Hill Brothers Chemical Company; DPC Enterprises; Commercial Pool Repair; Los Angeles Chemical Company; Hasa, Inc.; Basic Chemical Solutions, LLC; Altivia Corporation; Calgon Carbon Corporation; Polydyne, Inc.; Salt Works; Chalum, Inc.; LCI, Ltd.; Kemiron Companies, Inc. and Occidental Chemical Corporation for water treatment chemicals.
COMMENTS: (MU6-505-2185-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 and 15) Total amount not to exceed \$1,500,000.
DOCUMENT NAME: [20080110fst03.pdf](#) **PURCHASES (1004-01)**
54. Approved the utilization of a seven-month City of Tucson contract with Panasonic Computer Solutions Company for the purchase of Panasonic Toughbooks, tablets, accessories and services.
COMMENTS: (0703103) Total amount not to exceed \$500,000.
DOCUMENT NAME: [20080110fst10.pdf](#) **PURCHASES (1004-01)**
55. Approved the utilization of a one-year State of Arizona Contract with Grainger for industrial supplies and equipment used by various City departments.
COMMENTS: (Contract #EPS060050-1-A3) Total cost of this contract shall not exceed \$400,000.
DOCUMENT NAME: [20080110fsta13.pdf](#) **PURCHASES (1004-01)**
56. Approved the utilization of a State of Arizona Contract with Brown Evans Distributing Company for vehicle lubricants.

COMMENTS: (Contract SCC070001-1-A1) Total cost of this contract shall not exceed \$70,000.

DOCUMENT NAME: [20080110fst14.pdf](#) **PURCHASES (1004-01)**

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *57. Introduced and held the **first public hearing** for a Zoning Map Amendment for HUNTINGTON SQUARE located at 3225 S Mill Avenue. **A second public hearing is set for January 24, 2008.**

COMMENTS: Request for HUNTINGTON SQUARE (PL070279) (Don Kermin, Hanley Properties, owner / Reese Anderson, Pew and Lake, PLC, applicant) for a Zoning Map Amendment from CSS to PCC-1, to allow a Car Rental Facility within an existing retail center located at 3225 S. Mill Avenue, in the CSS, Commercial Shopping and Services District, including the following:

ZON07006 – (Ordinance No. 2007.76) Zoning Map amendment from CSS Commercial Shopping and Services to PCC-1 Planned Commercial Center.

DOCUMENT NAME: [20080110dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *58. Introduced and held the **first public hearing** to amend Chapter 2, Article V, Chapter 15, Article II, and Chapter 23, Article II of the Tempe City Code relating to the standardization of the City's Board's and Commissions' policies and procedures. **The second public hearing is set for January 24, 2008.**

DOCUMENT NAME: [20080110casv01.pdf](#) **CITY CODE ADMIN (0503-02)**
ORDINANCE NO. 2008.01

D. Ordinances and Items for Second Hearing/Final Adoption

- *59. Held the **second public hearing** and approved **with conditions** the Planned Area Development for **EXPRESS CAR WASH** located at 1406 West University Drive.

COMMENTS: Request for EXPRESS CAR WASH (PL070363) (City of Tempe, property owner; Jesse Macias, RHL Design Group, applicant) for a new 3,600 s.f. car wash located on .46 net acres at 1406 W. University Drive, in the CSS, Commercial Shopping and Services District. The request includes the following:

PAD07023 (Ordinance 2007.75) – Planned Area Development Overlay to modify the standards for the parking setbacks from 20' to 7'.

The following conditions were also approved:

1. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
2. The Planned Area Development for EXPRESS CAR WASH shall be put into proper engineering format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance

of building permits.

4. The Subdivision Plat for EXPRESS CAR WASH shall be put into proper engineering format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before January 10, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20080110dsdk03.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *60. Held the **second public hearing** and approved **with conditions** a Zoning Map Amendment and Planned Area Development Overlay for **CAMPUS SUITES ON THE RAIL** located at 1900 E Apache Boulevard.

COMMENTS: Request for CAMPUS SUITES ON THE RAIL (PL070312) (Gordon Phillips, Campus Suites on the Rail LLC, owner / Paul Gilbert, Beus Gilbert, PLLC, applicant) for a Zoning Map Amendment from CSS and R-4 in the Transportation Overlay District (TOD) to MU-4 TOD with a PAD for a 619,756 s.f. new student housing development on +/- 6.8 net acres located at 1900 E. Apache Boulevard, in the CSS Commercial Shopping and Services and R-4 Multi-Family districts in the Transportation Overlay District Station and Corridor Areas, including the following:

ZON07011 – (Ordinance No. 2007.77) Zoning Map amendment from CSS Commercial Shopping and Services and R-4 Multi-Family in the TOD to MU-4 TOD Mixed-Use High Density with a Planned Area Development (PAD).
PAD07026 – Planned Area Development to define the development standards: building height of 70 feet; building setbacks of 0' front, 10' side, 10' rear; 14% landscape area and 45% building lot coverage; 41 du/ac and 1084 parking spaces.

The following conditions were also approved:

1. A building permit shall be obtained and substantial construction commenced on or before January 10, 2010, or the property shall revert to a previous zoning designation—subject to a formal hearing.
2. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
3. An Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit. The limitations of this encroachment include:
 - a. a maximum projection of eight (8) feet for any upper level balconies or decorative architectural features of the building,
 - b. a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure, and
 - c. any other requirements described by the encroachment permit or the building code.
4. The Planned Area Development for Campus Suites on the Rail shall be put into proper engineering format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
6. The Subdivision Plat for Campus Suites on the Rail shall be put into proper engineering format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before January 10, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.
7. The developer must receive approval of the final Traffic Impact Study from Traffic Engineering prior to

issuance of a building permit.

DOCUMENT NAME: [20080110dsdk02.pdf](#) PLANNED DEVELOPMENT
(0406)

*61. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION**

Held the **second public hearing** and approved **with conditions** a Planned Area Development Overlay for **ONE HUNDRED MILL AVENUE** located at 100 South Mill Avenue. **This item was continued by City Council on December 13, 2007.**

COMMENTS: Request for ONE HUNDRED MILL AVENUE (PL070354) (Michael Monti, property owner; Tony Wall, 3W Companies, applicant) for redevelopment of the existing Monti's La Casa Vieja site, for two new buildings consisting of hotel (300 suites), commercial and residential (230 units), including preservation of a portion of the existing historic building, located at 100 South Mill Avenue in the City Center District, Transportation Overlay District, and a Historic Designated Property. The request includes the following:

PAD07021 – (Ordinance No. 2007.67) Planned Area Development Overlay to modify Transportation Overlay District standards for two (2) buildings with proposed building heights of up to 270 feet.

A LEGAL PROTEST HAS BEEN FILED IN THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL. The Development Review Commission (DRC) voted 5-1 in favor of this proposal, with modified conditions, the Historic Preservation Commission voted 7-0 for approval of historic building modification. Staff is recommending approval of the proposal, subject to conditions, recommending reduced heights different from DRC recommendation. An affirmative vote by 6 of the 7 Councilmembers would result in approval of the project as recommended by staff.

The following conditions were approved:

1. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
2. The project shall comply with all conditions set forth by the Historic Preservation Commission.
3. Phase I (eastern building(s)) maximum building height shall be two hundred ~~seventy~~ **fifty-seven (270 257) feet. (MODIFIED BY CITY COUNCIL)**
 - a. The maximum building height shall include all mechanical, screening devices and other structures on the building.
~~Phase I historic building to remain, shall have no additional height above the roof of the historic L-shaped Sonoran row house portion of the building located along Mill Avenue and Rio Salado Parkway at its historic depth (approximately 20' along each frontage). Any building mass located directly above the enclosed courtyard portion of the building shall have a maximum height of seventy five (75) feet. (DELETED BY CITY COUNCIL)~~
4. Phase I, south of historic building to remain, with building height exceeding fifty (50) feet, shall be setback along Mill Avenue approximately fifteen (15) feet from the property line.

5. Phase I building height exceeding seventy-five (75) feet shall be setback along Mill Avenue approximately twenty-five (25) feet from the property line.
6. **The total number of new buildings shall not exceed three (3). (ADDED BY CITY COUNCIL)**
7. Phase II (western building(s)) maximum building height shall be two hundred ~~seventy~~ **fifty-two (270 252) feet. (MODIFIED BY CITY COUNCIL)**
 - a. The maximum building height shall include all mechanical, screening devices and other structures on the building.
8. An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits. A Condominium Plat shall be recorded prior to an occupancy permit.
9. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
10. The applicant shall work with Development Services Manager or designee to determine the final allocation of parking for all phases of the project prior to the issuance of any building permits.
11. **The gross total building area of the project shall not exceed 1,158,400 sq. feet. (ADDED BY CITY COUNCIL)**
12. **The applicant, 3W Companies, agrees to maintain controlling interest in the project, and any change in the controlling interest (51%) shall be approved by the City Council in its discretion. (ADDED BY CITY COUNCIL)**
13. **No demolition permits shall be issued until the applicant/developer provides the City of Tempe with evidence of financial capacity to complete each phase of the project. (ADDED BY CITY COUNCIL)**
14. **The applicant/developer shall enter into a Development and Disposition Agreement with the City of Tempe which shall include, but not limited to, a financial commitment to the Tempe Affordable Housing Fund of not less than \$500 per residential unit for-sale housing to be paid at closing. (ADDED BY CITY COUNCIL)**
15. **Prior to the issuance of building permits, the developer shall grant the City, for use and benefit of the City, a Conservation Easement covering the airspace above the historic "L-shape" portion of the C. T. Hayden House (Monti's La Casa Vieja) building structure. (ADDED BY CITY COUNCIL)**
16. **Prior to issuance of building permits, the developer shall grant the City, for use and benefit of the City, a Conservation Easement covering the façade of the C. T. Hayden House (Monti's La Casa Vieja). (ADDED BY CITY COUNCIL)**
17. **That upon completion of the renovation, the developer will cooperate with the City of Tempe to seek status, to the extent possible, under the National Register of Historic Places. (ADDED BY CITY COUNCIL)**

APPLICANT'S PRESENTATION

Paul Gilbert, representing the applicants, stated that a compromise has been reached with US Airways. He was instructed at the last hearing on December 13th to work something out. He offers a proposed modification that has the support of US Airways, the Development Review Commission (DRC) and the Historic Preservation Commission (HPC). This agreement meets all the commitments the applicant has made for preserving the

historic portion of Monti's. This proposal is a "win-win" and everyone involved has compromised to make this proposal. The applicant is requesting the following stipulations be revised:

- Stipulation #3 to read as follows: "Phase I (eastern building) maximum building height shall be two hundred fifty-seven (257) feet. The maximum building height shall include all mechanical, screening devices and other structures on the building."
- Stipulation #7 to read as follows: "Phase II (western building) maximum building height shall be two hundred fifty-two (252) feet. The maximum building height shall include all mechanical, screening devices and other structures on the building."
- Applicant is now proposing three (3) buildings instead of two.
- An additional stipulation needs to be added to comply with our agreement as follows: "The gross total building area of the project shall not exceed 1,158,400 sq. feet."

In addition, applicant desires to add the following three stipulations which were agreed to at the December 13th City Council hearing:

1. The applicant, 3W Companies, agrees to maintain controlling interest in the project.
2. No demolition permits shall be issued until the applicant/developer provides the City of Tempe with evidence of financial capacity to complete each phase of the project.
3. The applicant/developer shall enter into a Development and Disposition Agreement with the City of Tempe which shall include, but not limited to, a financial commitment of affordable housing.

He added that the stipulations, additional stipulations and revised stipulations bring to completion the agreement applicant has reached with US Airways.

Councilmember Carter asked for clarification that Stipulation #3 and #7 both refer to buildings, plural.

Mr. Gilbert agreed. They are proposing three buildings and the buildings will be between 257 feet and 252 feet.

Mayor Hallman clarified that Councilmember Carter was asking for an additional stipulation #4 that would say that the total number of buildings shall not exceed three (3).

Mr. Gilbert agreed that would be acceptable.

Mayor Hallman stated that an additional stipulation would read, "The number of buildings shall not exceed three (3)."

Councilmember Carter suggested that consideration be given to a stipulation for a conservation easement for air space above Monti's, so that no matter who builds or when they build, that is forever preserved, not just the building, but the air space above the building.

Mr. Gilbert clarified that would be only for the historic "L" portion of the building. Applicant would be comfortable with that stipulation.

Mayor Hallman stated that a stipulation shall be added stating, "The developer shall grant to the City, for use and benefit of the City, a Conservation Easement covering the air space above the L-shaped portion of the C. T. Hayden House (Monti's La Casa Vieja) building, including and only including the approximately 11,000 sq. ft. historic adobe home constructed by Charles Trumball Hayden and his children."

Michael Monti, Tempe, clarified that the undisputed bounds of the historic structure are the adobe perimeter walls of the Hayden House. That does not encompass quite the entire 11,000 sq. ft. because the patio area has always been subject to some debate as to whether it should be open or closed. He would ask to exclude the fountain room/patio area.

Mayor Hallman clarified that the area designated "service area" (which is area 7 and 8) are actually additions and, as a result, the fountain courtyard was covered over in the 1920's. One option would be to re-reveal that area.

Mr. Monti added that the fountain was covered over as late of the 1950's. Area 7, 8 and 9, roughly, would constitute that open area with the thicker adobe perimeter walls. They would like to make sure that the easement covers those areas.

Mayor Hallman clarified the stipulation would specify that the air rights would include the fountain area.

Tony Wall, 15029 N. Thompson Peak Parkway, Scottsdale, responded that the historic "L" portion that he has worked with the HPC on, includes areas 11, 12, 13, 14 and works its way down the east side of the building, to areas 5 and 6, as well as the main area. Those are the areas they would maintain and would not encroach upon any of the air space. The building design as it exists today moves over, at its top point, the south wall of the building by 10 to 12 feet.

Mayor Hallman asked Councilmember Carter if that fits with her concept.

Councilmember Carter agreed.

Mayor Hallman clarified that the historic "L" is made up of areas 1, 2, 3, 4, 5, 6, 10, 11, 12, 13 and 14, as well as the main entrance area. The air space above that area would be preserved so that there would be no building over the top of it. Regarding the service area, Council would rely on Mr. Wall's character that he will not impose upon that space except as described in this hearing. The second stipulation would be that the developer grant a conservation easement on the façade of the original adobe exterior walls that are on the exterior of area 11, 12, 13, 14, the main entrance, 3, 2 and 4. That gives us the ability to assist and work to preserve that forever.

Mr. Gilbert clarified for the record that the Mayor is referring to the map designated as "Monti's Self-Guided Tour" so that everyone is using the same point of reference.

Mayor Hallman added a stipulation that upon completion of the restoration of the historic "L" portion, the developer will in good faith cooperate with the City of Tempe to apply for, to the extent possible, national historic

registration status.

Mr. Gilbert agreed.

Mayor Hallman stated that he thought the agreement from the last hearing was that the financial commitment would be no less than \$500 per unit of residential for-sale housing at closing paid to the Tempe Affordable Housing Fund.

Mr. Gilbert agreed.

Mayor Hallman asked for clarification on the stipulation about 3W Companies maintaining controlling interest and what was considered controlling interest.

Mr. Gilbert responded that it would mean 51%.

Mayor Hallman suggested adding that the applicant agrees to maintain a controlling interest in the project with approval of the City Council in its discretion. There may come a time at which a sale might be the best thing for all of us, but we would want to make sure that wouldn't take place below that 51% interest without Council approval.

Mr. Gilbert agreed.

Mayor Hallman asked Councilmember Arredondo if it was acceptable to him to specify that the "approval of City Council in its discretion which shall not be unreasonably withheld." He was concerned about litigation over whether or not Council is being reasonable.

Councilmember Arredondo suggested just using "Council in its discretion."

Mr. Gilbert asked that the record state that we are interpreting that there is a reasonableness grafted on that wording and leave it at that.

Councilmember Carter stated that it appears from the original request at 1,071,616 sq. ft., that it has now jumped 86,000 sq. ft. more with three buildings. She asked if Council would be interested in designating that additional square footage going into a conference center because she understood there is a hotel portion of this project.

Mayor Hallman responded that a lot of effort has been expended in seeking places that will provide conference space. He would hesitate designating what this project will contain. A hotel, if it gets built adjacent to Monti's, and with the kind of foot traffic generated to support the businesses that exist there, will certainly have to position itself to supply sufficient conference space for its own activities. If and when this building continues to move forward, his hope would be that we would begin working as we did with the proposal on Seventh Street to move toward reaching accommodations to enhance the conference opportunities in Tempe. Since this is only at the plat stage, he would view that as the next step.

Vice Mayor Hutson stated that at the last hearing he had asked the question if we went from two buildings at 272-275 feet down to three buildings at approximately 257 feet, what would the delta increase need to be to offset the cost of the building. It was thumb-printed in at 50,000. He has no problem with that extra number. Of the 80,000, we had already determined at least 50,000 was going to be needed.

Mr. Gilbert added that the applicant benefited from the extra time and the project works for everyone.

PUBLIC HEARING

Stephen Earl, 3101 North Central Avenue, Phoenix, representing US Airways. He appreciated the opportunity to appear in support of development. Council has a letter stating that one of the things US Airways would do is appear at this hearing in support of the compromise reached with the 100 Mill Avenue Development. US Airways, during this 3-week interim period, met with the applicant and reached an agreement outlined in Mr. Gilbert's letter to Council. The last hearing was painful and the process has been difficult. The motion to continue was difficult, but a benefit did occur. It caused the parties to focus more on what they needed than what they wanted and that was critical. He expressed his appreciation to each councilmember.

Councilmember Arredondo added that some people had some concerns. He was very committed to postponing the decision. They have come to full agreement and he intends to support the agreement as stated and edited tonight.

Mr. Gilbert waived rebuttal.

Councilmember Carter thanked staff for their patience and assistance to everyone. She was happy to see that an accord was reached.

Councilmember Arredondo congratulated everyone for working this out. A "win-win" has been created for the City of Tempe.

Councilmember Shekerjian stated that this has been an interesting study in the public process and it was good for the community to see the process. There was a strong community feeling to develop that area and see that Monti's was preserved. There is a lot of change in our community and there is great concern how we develop and create a neighborhood in our downtown area. She acknowledged the community for giving great input. She thanked Michael Monti and Eddie Goitia for their vision to restore the historic portion of this property. She looks forward to the Monti's of the future.

Councilmember Mitchell added that it is important to have connectivity between the Lake and the downtown. It is vital to sustain the downtown area. This also provides an opportunity to have a hotel and that is also very important to future generations.

Councilmember Ellis added that the continuance worked out for the best. I worked for Monti's and I was just told that the \$2.12 per hour I made 15 years ago is not a conflict of interest. The building and the family is very dear to her and she is thankful a compromise was achieved.

Mayor Hallman stated that there was a discussion on the easements at the last hearing and the fact that there needed to be cross-easements granted between the property owners that hold the real estate US Airways benefits from and this property. He asked Mr. Earl how that will be dealt with.

Mr. Earl reported that the matter was covered in their meeting and it is in the letter from Mr. Gilbert. The agreement was that US Airways and Monti's will sit down immediately and within the next 90 days work out the terms of that easement. They both agree that there is cross-access. US Airways has operated under that for a long time. It needs to be more formal, and it will be done. They also have a partner with a controlling interest, W. P. Carey. US Airways indicated they would use their best good faith efforts to take the agreement to W. P. Carey as it relates to the north/south alignment. The east/west alignment will also involve a company called OPUS. US Airways has committed to make that happen and record the document for the benefit of everyone.

Mayor Hallman added that OPUS is currently proceeding forward on a project without this being handled. He assumes that no one objects if Mr. Wall moves forward as well.

Mr. Earl responded that he assumes Tony Wall and his company will move forward. If they are going to move forward on their next phase, which is the actual development plan, he believes the easement will be worked out long before that. He believes everyone is of honorable nature and believes it can be worked out.

Mr. Gilbert agreed.

Mayor Hallman summarized that we are talking about the preservation of the historic Hayden home and although for many decades it has been called "Monti's La Casa Vieja", it is fundamentally the home built by Charles Trumball Hayden and the home in which Carl Hayden was born. Many people have personal connections to that. His father was a bus boy there before Leonard Monti bought the building. Generations of people have been involved in the building and it is the people that matter here and this site means something to the people. It is the cultural history for the City of Tempe. He recognized the large sacrifice made by the current owners of the site. When the Hayden Flour Mill and silos were about to be foreclosed upon by a bank, which would have been allowed to auction the site and the owner would have been allowed to tear down the mill built in 1918, the City would have been unable to do anything about it. The silos could have been torn down and the City could have done nothing about it. Another example is the Eisendrath House. It was owned with its 9 acres by a private developer and had he selected to tear down that building built in 1929 at the direction of Rose Eisendrath, this City could have done nothing about it. To make sure that those buildings would survive for our future generations, the City paid \$11.85M for the mill and silos site. The City paid \$1.3M for the Eisendrath House site. Those are two examples. Similarly, we had to worry about the Farmer-Goodwin House and the Pyle House. Those are examples of irreplaceable history in the City of Tempe. When people think about what's happening here and they suggest that the City should just step in, he asked what service would have to be eliminated in order to afford to pay the price to buy this site to preserve Charles Trumball Hayden's home? The likely price would be in the \$15M to \$20M range. That's not something we can easily afford without great sacrifice by the community. Two individuals have taken on that sacrifice. They have taken the money out of their own pockets by having to reduce the value and price that they could charge because they have insisted that as a condition of development, the Charles Trumball Hayden Home be preserved. That is a great

commitment to the community. Their families should be proud that they are the kind of people who would make that personal sacrifice to ensure that this community not be held hostage and required to scramble to find resources to preserve one of the most important buildings in the City's history and the most important building remaining in the Salt River Valley. He thanked them for making that sacrifice to put the City's history and culture above all. He thanked Mr. Gilbert and Mr. Earl and hopes to move forward and create new relationships that can help advance the cause for the best interests of the residents and businesses of Tempe.

Mayor Hallman entertained a motion to approve Item #61, with amendments to the stipulations and additions as follows:

- Stipulation #3 revised to read as follows: "Phase I (eastern buildings) maximum building height shall be two hundred fifty-seven (257) feet. The maximum building height shall include all mechanical, screening devices and other structures on the building."
- Stipulation #7 to read as follows: "Phase II (western buildings) maximum building height shall be two hundred fifty-two (252) feet. The maximum building height shall include all mechanical, screening devices and other structures on the building."
- The total number of new buildings shall not exceed three (3) buildings.
- The gross total building area of the project shall not exceed 1,158,400 sq. feet..
- The applicant, 3W Companies, agrees to maintain controlling interest in the project, and any change in the controlling interest (51%) shall be approved by the City Council in its discretion.
- No demolition permits shall be issued until the applicant/developer provides the City of Tempe with evidence of financial capacity to complete each phase of the project.
- The applicant/developer shall enter into a Development and Disposition Agreement with the City of Tempe which shall include, but not limited to, a financial commitment to the Tempe Affordable Housing Fund of not less than \$500 per residential unit for-sale housing to be paid at closing.
- Prior to the issuance of building permits, the developer shall grant the City, for use and benefit of the City, a Conservation Easement covering the airspace above the historic "L-shape" portion of the C. T. Hayden House (Monti's La Casa Vieja) building structure.
- Prior to issuance of building permits, the developer shall grant the City, for use and benefit of the City, a Conservation Easement covering the façade of the C. T. Hayden House (Monti's La Casa Vieja).
- That upon completion of the renovation, the developer will cooperate with the City of Tempe to seek status, to the extent possible, under the National Register of Historic Places.

Motion by Councilmember Mitchell to approve Item #61 as outlined. Second by Councilmember Arredondo. Motion passed on a roll-call vote, 7-0.

DOCUMENT NAME: [20080110dsrl01.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *62. Held the **second public hearing** and approved ORDINANCE NO. 2007.83 amending Chapter 27 of the Tempe City Code relating to Sewers and Sewage Disposal.

DOCUMENT NAME: [20080110cacc01.pdf](#) **SEWERS & SEWAGE DISPOSAL**
(0503-27)

E. Resolutions

63. Adopted RESOLUTION NO. 2008.02 authorizing the issuance and sale of the City of Tempe, Arizona, Pier at Town Lake Improvement District No. 180 Improvement Bonds; delegating authority to approve certain matters with respect to the bonds; making certain tax covenants; authorizing the appointment of a registrar, transfer agent and paying agent; approving the form of certain documents and authorizing completion, execution and delivery thereof; delegating the authority to approve and deem final a form of official statement; and ratifying all actions taken or to be taken to further this resolution; **and declaring an emergency.**
DOCUMENT NAME: [20080110fsjh02.pdf](#) **IMPROVEMENT (ASSESSMENT)**
DISTRICTS (0805-80)

6. **PUBLIC APPEARANCES**

SCHEDULED PUBLIC APPEARANCE

- Talmal Kamal, Tempe, re: appearance of Tempe Arts Center did not appear.
- Robert Stempkowski, Tempe, re: Urban Campfire Restaurant did not appear.

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

- Mayor Hallman corrected his earlier statement. The two Congressmen were not only responsible for \$1.8M for the Rio Salado, Phoenix, and Tempe elements of public safety interoperability, but also the East Valley Maintenance Facility for \$400K. Light rail received its \$90M assessment that comes through the President and Congressmen Mitchell and Pastor. The extension alternative analysis for light rail piece for an additional \$200K was due to Congressman Mitchell's efforts.
- Councilmember Arredondo suggested that the City Manager formulate a thank-you letter to Congressmen Pastor and Mitchell for their efforts for the City of Tempe.
- Councilmember Carter noted that long-time community leader, Virginia Tinsley, passed away and a memorial service is scheduled for January 24th at the Tempe Center for the Arts at 2:00 p.m. Virginia Tinsley was a huge contributor to this community. She also noted that there were six City employees on a bus that happened upon the tragic bus accident that occurred earlier this week. She suggested having a report from our Police Chief at the January 24th IRS meeting. Officer Amy Wozniak stepped in and took control of the situation, along with DeeDee Kimbrell, Dean Miller, Bill Kersbergen, Lisa Lloyd, and Sheri Lesser. She is proud of those employees who were instrumental in helping.
- Councilmember Ellis announced that the second Affordable Housing Forum will be held on Friday, February 28th, at the Tempe Center for the Arts. The focus will be on development and she urged those in the development community to come and discuss affordable housing items that we may be looking at over the next year. She also congratulated those participating in the P.F. Chang's Rock 'n Roll Marathon through Team Tempe. The Team has raised over \$170K. That is the largest community-based fundraising that has been done in the entire marathon.

- Councilmember Shekerjian announced that she participated in the Angel Tree program sponsored by the Salvation Army. There were many councilmembers from the East Valley participating. It was a very regional approach to assist families, and the community generosity was overwhelming. She also announced dates for two programs funded as a result of the Salt River Pima Maricopa Indian Community grant. The first is "Music Under the Stars" which will be in the Arts Park Amphitheater on April 18th from 7:00 p.m. to 9:00 p.m. This will feature participants from Tempe schools. The second event, "Tempe Youth Wind Ensemble", will be held on April 16th at the TCA. This program allows Tempe middle school students to work with top high school students. Staff has done an excellent job in setting these programs up, as well as Bill Richardson, former band director at Corona del Sol High School, who has given much time to help coordinate this program. She further thanked Councilmember Ellis for commending her and the Mayor for raising the money for the marathon. She did not raise all of that money, however. The Mayor has been responsible for raising that \$170K and she thanked him. Those funds are a wonderful addition to the community.
- Councilmember Mitchell thanked staff for the Insight Bowl success: Shelley Hearn and her staff, Mark Richwine and Travis Dray and their staff, Public Works employees and the Police and Fire Departments.
- Mayor Hallman stated that for the Team Tempe portion of the Rock 'n Roll Marathon, more than 60 runners/walkers are participating for Tempe charities. This year we have tried a new opportunity to have smaller local charities participate in a consortium effort sponsored by our umbrella organization, Tempe Community Council (TCC). The TCC has taken the lead on orchestrating the details to make this happen. We could not have done this without our major sponsors and they have been extremely generous. The cost associated with the Team doing this is nearly zero, so almost every dollar raised will go to the four charities: The Association for Supported Childcare, the Tempe YMCA, the Center for Habilitation, and the Tempe Community Foundation. The 60 runners/walkers together have raised \$32K through their individual efforts, but the major sponsors include Vestar for \$50K, Hayden Ferry Lakeside by Suncor for \$10K, Gray Development at Grigio for \$10K, and Avenue Communities at Centerpoint for \$10K. Those three residential projects are part of what is making the new Tempe and they are under the banner that in Tempe, the sky's the limit. He thanked all of Team Tempe's participants for their efforts. He has challenged Phoenix and Scottsdale to do the same next year.

Meeting adjourned at 9:05 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of January 10, 2008, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2008.